

REMARKS

Claims 1-23 are pending in the present application. Claims 1, 8 and 17 are independent claims and have been currently amended. Support for the amendment may be found throughout the specification and drawings, especially in paragraphs [0051] through [0064] at pages 14 through 18 of the Specification. Applicants believe that the present application is now in condition for allowance, for which prompt and favorable action is respectfully requested.

REJECTION UNDER 35 U.S.C. §102

The Patent Office rejected Claims 1-23 under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,438,117 issued to Grilli et al. (hereinafter “Grilli”). The rejection is respectfully traversed in its entirety.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent Claims 1, 8 and 17, as amended, each recite, among other things, an element “... an Application Data Delivery Service (ADDS) message containing handoff data, the ADDS message being a type of tunneling mechanism which transparently passes within the CDMA system GSM parameters” (emphasis added). Applicants respectfully submit this element is *not* taught or suggested by Grilli. Indeed, after a diligent search, Applicants were unable to find the term “Application Data Delivery Service (ADDS) message containing handoff data” in Grilli, let

alone "the ADDS message being a type of tunneling mechanism which transparently passes within the CDMA system GSM parameters".

At least based on this reason, independent Claims 1, 8 and 17 are allowable.

As a result, all pending Claims 1-23 are allowable.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: October 31, 2006

By: 

Peng Zhu, Reg. No. 48,063
(858) 658-2389

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502